





1 (866) 904-800, (888) 682-2297 and (904) 562-6655. The undersigned has confirmed that these  
2 numbers belong to Defendant.

3 15. In or around January of 2012, Defendant's collector, "Michael Monteno",  
4 laughed at Plaintiff for the amount of student debt she owed, and told Plaintiff she would be  
5 paying the loans for the rest of her life.

6 16. Defendant's mocking of Plaintiff caused Plaintiff significant embarrassment, and  
7 made her feel helpless as to her future with such significant debt.

8 17. Plaintiff believes that this was precisely Defendant's intent, as the only reason for  
9 Defendant to use such language and tone could have been to shame and embarrass Plaintiff into  
10 paying the alleged debt.

11 18. Additionally, on numerous occasions, Defendant's collectors spoke with  
12 Plaintiff's mother, and disclosed that Plaintiff owed a debt.

13 19. Plaintiff never authorized Defendant to speak with her parents about the alleged  
14 debt.

15 20. As Defendant had already discussed the alleged debt with Plaintiff in January of  
16 2012, the purpose of Defendant's calls could not have been to acquire Plaintiff's location  
17 information.

18 21. Plaintiff was offended that Defendant involved her parents in the collection of the  
19 alleged debt, as Plaintiff's parents are older and retired, and Defendant's calls caused Plaintiff to  
20 be frightened for their financial wellbeing.

21 22. Plaintiff works at a restaurant and typically has a workday of 6:00 am until 3:00  
22 pm.

23 23. Defendant placed near daily calls to Plaintiff's cellular telephone during  
24 Plaintiff's work hours.

1           24.     In or around February 2012, Plaintiff left Defendant a recorded voicemail, telling  
2 Defendant not to call her cellular telephone during her work hours, as these calls distracted  
3 Plaintiff from her employment related tasks.

4           25.     Despite this clear and unequivocal instruction, Defendant continued to call  
5 Plaintiff during the specified hours.

6           26.     During one occasion in or around February of 2012, Defendant contacted  
7 Plaintiff's supervisor and revealed that Defendant was a debt collector and that Plaintiff owed a  
8 student loan debt.

9           27.     Plaintiff never gave Defendant authorization to make such contact with her  
10 supervisor, regarding her alleged debt.

11           28.     Plaintiff was embarrassed when Plaintiff's supervisor sent her an email informing  
12 Plaintiff that he received a call from Defendant about the alleged debt.

13           29.     This call took place after Defendant had discussed the debt with Plaintiff,  
14 therefore it is clear that Defendant was not attempting to acquire Plaintiff's contact or location  
15 information, but to harass and humiliate her.

16           30.     Furthermore, during one conversation with Plaintiff, Defendant threatened to  
17 seize the home belonging to Plaintiff's parents if Plaintiff did not make immediate payment on  
18 the debt.

19           31.     This statement was highly coercive and deceptive, as Defendant has no legal  
20 claim to Plaintiff parent's house.

21           32.     Furthermore, during one conversation, Defendant's collector "Keith Brong"  
22 misrepresented to Plaintiff that he had access to the bank account belonging to Plaintiff's father,  
23 and knew how much money was in such account.

24           33.     This representation frightened Plaintiff, who feared that Defendant would take  
25

1 money from her father's bank account as a result of Plaintiff's non-payment.

2 34. Defendant made these false threats in order to intimidate and harass Plaintiff into  
3 paying the alleged debt.

4 35. Defendant took the above actions with the intent to harass, abuse, frighten and  
5 coerce payment from Plaintiff.

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9 **COUNT I**  
10 **DEFENDANT VIOLATED § 1692c(a)(1) OF THE**  
11 **FAIR DEBT COLLECTION PRACTICES ACT**

12 36. Section 1692c(a)(1) of the FDCPA prohibits debt collectors from contacting a  
13 consumer in connection to the collection of any debt at any unusual time or place known or  
14 which should be known to be inconvenient to the consumer.

15 37. Defendant violated § 1692c(a)(1) when it contacted Plaintiff during her work  
16 hours, and when it continued to contact Plaintiff during her work hours after Plaintiff informed  
17 Defendant it was inconvenient for her to receive personal calls during her work hours.

18  
19 **COUNT II**  
20 **DEFENDANT VIOLATED § 1692c(b) OF THE**  
21 **FAIR DEBT COLLECTION PRACTICES ACT**

22 38. Section 1692c(b) prohibits debt collectors from contacting any third party  
23 regarding a consumer's debt without the consumer's consent.

24 39. Defendant violated § 1692c(b) when it disclosed the fact that Plaintiff owed a  
25 debt to her parents and to her supervisor.

**COUNT III**  
**DEFENDANT VIOLATED § 1692d OF THE**  
**FAIR DEBT COLLECTION PRACTICES ACT**

40. Section 1692d of the FDCPA prohibits a debt collector from engaging in any conduct the natural consequence of is to harass, oppress, or abuse any person with the collection of any debt.

41. Defendant violated § 1692d of the FDCPA when it called Plaintiff repeatedly with intent to annoy and harass Plaintiff, when it called Plaintiff's parents repeatedly and left voicemail messages, when it contacted Plaintiff's supervisor, when it threatened to seize Plaintiff's parents house, and when it engaged in other harassing and abusive conduct.

**COUNT IV**  
**DEFENDANT VIOLATED § 1692d(5) OF THE**  
**FAIR DEBT COLLECTION PRACTICES ACT**

42. Section 1692d(5) of the FDCPA prohibits debt collectors from causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the called number.

43. Defendant violated § 1692d(5) of the FDCPA when it caused Plaintiff's cellular telephone to ring repeatedly and continuously with the intent to harass or annoy Plaintiff.

**COUNT V**  
**DEFENDANT VIOLATED § 1692e OF THE**  
**FAIR DEBT COLLECTION PRACTICES ACT**

44. Section 1692e of the FDCPA prohibits debt collectors from using false, deceptive or misleading representation or means in connection with the collection of any debt.

45. Defendant violated § 1692e of the FDCPA, when it threatened to seize Plaintiff's parents' home, when it represented that it had access to Plaintiff's parents' bank account, and

1 when it made other false, deceptive or misleading representations.

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3 **COUNT VI**  
4 **DEFENDANT VIOLATED § 1692e(4) OF THE**  
5 **FAIR DEBT COLLECTION PRACTICES ACT**

6 46. Section 1692e(4) of the FDCPA prohibits debt collectors from making a false  
7 representation or implication that nonpayment of any debt will result in the seizure, garnishment,  
8 attachment, or sale of any property of any person unless such action is lawful and the debt  
9 collector intends on taking such action.

10 47. Defendant violated § 1692e(4) of the FDCPA when it threatened to seize  
11 Plaintiff's parents' home, when it lacked the ability and the intent to do so.

12  
13 **COUNT VII**  
14 **DEFENDANT VIOLATED § 1692e(5) OF THE**  
15 **FAIR DEBT COLLECTION PRACTICES ACT**

16 48. Section 1692e(5) of the FDCPA prohibits debt collectors from threatening to take  
17 any action that cannot legally be taken or that is not intended to be taken.

18 49. Defendant violated § 1692e(5) of the FDCPA when it threatened to seize  
19 Plaintiff's parents' home, when it lacked the ability and the intent to do so.

20 **COUNT VIII**  
21 **DEFENDANT VIOLATED § 1692e(10) OF THE**  
22 **FAIR DEBT COLLECTION PRACTICES ACT**

23 50. Section 1692e(10) of the FDCPA prohibits debt collectors from using false  
24 representations or deceptive means to collect a debt or to obtain information from a consumer.

25 51. Defendant violated § 1692e(10) of the FDCPA, when it threatened to seize  
Plaintiff's parents home, when it misrepresented that it had access to Plaintiff's parents' bank

1 account, and when it made other false and misleading representations.

2  
3 **COUNT IX**  
4 **DEFENDANT VIOLATED § 1692f OF THE**  
5 **FAIR DEBT COLLECTION PRACTICES ACT**

6 52. Section 1692f of the FDCPA prohibits debt collectors from using unfair or  
7 unconscionable means to collect or attempt to collect an alleged debt.

8 53. Defendant violated § 1692f of the FDCPA when it repeatedly called Plaintiff's  
9 telephone with the purpose of harassing Plaintiff into making payment, when it called Plaintiff  
10 repeatedly with intent to annoy and harass Plaintiff, when it called Plaintiff's parents repeatedly,  
11 when it disclosed Plaintiff's debt to her supervisor, when it threatened to seize Plaintiff's parents  
12 house, when it asked Plaintiff to send Defendant a post dated check, and when it engaged in  
13 other unconscionable conduct.

14  
15 **COUNT X**  
16 **DEFENDANT VIOLATED § 392.302(4) OF THE**  
17 **TEXAS FAIR DEBT COLLECTION PRACTICES ACT**

18 54. Section 392.302(4) of the Texas FDCPA prohibits debt collectors from causing a  
19 telephone to ring repeatedly or continuously, or making repeated or continuous telephone calls,  
20 with the intent to harass a person at the called number.

21 55. Defendant violated § 392.302(4) of the Texas FDCPA by causing Plaintiff's  
22 telephone to ring repeatedly or continuously with the intent of annoying and harassing the person  
23 at the called number.



**COUNT XI**  
**DEFENDANT VIOLATED § 392.303(a)(2) OF THE**  
**TEXAS FAIR DEBT COLLECTION PRACTICES ACT**

56. Section 392.303(a)(2) of the Texas FDCPA prohibits debt collectors from using unfair or unconscionable means to collect a debt.

57. Defendant violated § 392.303(a)(2) when it called Plaintiff repeatedly and continuously, when it called Plaintiff while she was at work, when it spoke with Plaintiff's supervisor, when it called Plaintiff's parents, threatened to seize Plaintiff's parents' home, when it misrepresented that it had access to Plaintiff's parents' bank account, and when it engaged in other unconscionable means to collect the debt.

**COUNT XII**  
**DEFENDANT VIOLATED § 392.304(a)(8) OF THE**  
**TEXAS FAIR DEBT COLLECTION PRACTICES ACT**

58. Section 392.304(a)(8) of the Texas FDCPA prohibits debt collectors from making fraudulent, deceptive or misleading representations when collecting a debt.

59. Defendant violated § 392.304(a)(8) when it threatened to seize the home of Plaintiff's parents when it lacked the ability to do so, when it misrepresented that it had access to Plaintiff's parents' bank account, and when it made other deceptive and fraudulent statements.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, SUSAN STANSBURY, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1) and § 392.403(a)(2);

- 1           b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
2           15 U.S.C. § 1692k(a)(2)(A) and Tex. Fin. Code § 392.403(e);  
3           c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
4           costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3) and Tex. Fin.  
5           Code § 392.403(b);  
6           d. Any other relief deemed appropriate by this Honorable Court.

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10           **DEMAND FOR JURY TRIAL**

11           PLEASE TAKE NOTICE that Plaintiff, SUSAN STANSBURY, demands a jury trial in  
12 this case.

13  
14           DATED: 06/29/12

KIMMEL & SILVERMAN, P.C.

15           By: /s/ Amy L. Bennecoff  
16           Amy L. Bennecoff  
17           Attorney for Plaintiff  
18           Kimmel & Silverman, P.C.  
19           30 E. Butler Pike  
20           Ambler, PA 19002  
21           Phone: (215) 540-8888  
22           Fax: (877) 788-2864  
23           Email: abennecoff@creditlaw.com  
24  
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